IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.910 of 2008

CHANDRAKANT LAL DAS, SON OF UGRA NARAIN LAL DAS,RESIDENT OF PRAGATI NAGAR, WARD NO.2, P.S. MADHUBANI, DISTRICT –MADHUBANI

---------- **PETITIONER**

**Versus**

1. THE STATE OF BIHAR
2. YOGENDRA SADA, SON OF LAKHAN SADA, RESIDENT OF VILLAGE- LADHO, P.S. BIRAUL, DISTRICT-DARBHANGA

---------- **OPP.PARTIES**

---

5 25-11-2008 Heard Mr. U.K.Shukla, the learned counsel for the petitioner as also Dr.Mayanand Jha, the learned A.P.P. for the State.

The grievance of the petitioner is against the order dated 20.1.2007 passed in Complaint Case No.426 of 2006 by Sri Ajay Kumar Srivastava, Judicial Magistrate, Ist Class,Biraul, whereby he has taken cognizance under Sections 323 and 379 I.P.C against the accused persons, including the petitioner.

WEB COPY NOT OFFICIAL

Submission advanced by the learned counsel for the petitioner in support of his case is that the instant complaint case has been filed by the complainant by way of an after thought and as a counter blast to the earlier case filed by his daughter being Complaint Case no.400 of 2006 with the sole purpose of causing harassment to the petitioner and his daughter. It has also been submitted that no offence under Sections 323 and 379 I.P.C. is made out , as would be apparent that the case is got up.

Be that as it may, the submission advanced by the learned counsel for the petitioner happens to be his defence, which he can

agitate at the appropriate stage before the appropriate forum.

I find no apparent illegality in the impugned order. Accordingly, this application is dismissed.

**(Abhijit Sinha, J.)**

**NKS/-**

WEB COPY NOT OFFICIAL